



APPLICATION REFERENCE GUIDE

The information contained in this document is intended to provide additional guidance and information for the Application for a Public Charter School. You should refer to this document as you complete the application. In addition to this document applicants should review the startup guides, timeline, FAQs and other materials included on the Tennessee charter school website.

Academic Performance, Standards and Assessments

T.C.A. § 49-13-122 requires that a public charter school agreement be revoked or denied renewal by the final chartering authority if the school receives identification as a priority school. Additionally, chartering authorities review schools' progress through ongoing and annual reports and audits. Some authorizers may develop and incorporate performance frameworks in the charter agreements that govern those reviews. Though charter agreements are for 10 years, authorizers also conduct an interim review at the end of the fifth year of operations.

Special Populations and At-Risk Students

Pursuant to state and federal law, charter schools are required to serve the needs of special student populations, including hiring licensed and endorsed special educators and licensed ESL instructors. School personnel shall participate in developing and implementing the Individualized Education Programs (IEPs); identify and refer students for assessment of special needs; maintain records; and hire appropriate personnel as may be required in an IEP (ex. Speech/language pathologist, occupational therapist, physical therapist, etc.).

Marketing, Recruitment and Enrollment

Like all public schools, public charter schools are open to any child, regardless of a child's specific needs. Though any student may attend a charter school in that child's district, the law requires authorizers to give preference to applications that demonstrate the capacity of a charter school to meet the needs of at-risk students. T.C.A. § 49-13-106.

T.C.A. § 49-13-113, further explained in State Board Rule 0520-14-01-.04(3) requires each charter school to "conduct an initial student application period of at least thirty (30) days." If, after that period, a school has more applicants than places, the school must conduct an enrollment "lottery within seven (7) calendar days of the close of the initial student application period." If spaces become available after the lottery is conducted, or if applicants do not exceed places after the initial period, enrollment may occur on a first come, first served basis.

Charter schools may give preference in admissions to students enrolled in the previous year in "[a]nother charter school that has an articulation agreement with the enrolling public charter school; provided, that the articulation agreement has been approved by the chartering authority; or . . . [a] pre-K program operated by the charter school sponsor." For example, if a chartering authority approves the arrangement, students attending a charter elementary school may be given preference in admission to a charter middle school over students who did not attend the charter elementary school in the prior year. It is important to note that this arrangement must be approved by the chartering authority (the LEA or the ASD), and that such arrangements may make charter schools with such an arrangement ineligible for certain federal grants.

Governance

A public charter school “shall operate as a public, nonsectarian, non-religious public school, with control of instruction vested in the governing body of the school under the general supervision of the chartering authority and in compliance with the charter agreement and [the charter school law].” T.C.A. § 49-13-111(a)(1). Governing bodies of public charter schools must include at least one parent from one of the schools operated by the governing body. Charter management organizations may satisfy this requirement by having “an advisory school council . . . [consisting] of no fewer than five (5) members and . . . [including] the principal, at least one (1) parent and at least one (1) teacher representative.” Charter school governing bodies must comply with open meetings and public records laws. Governing bodies do not need to be Tennessee non-profit corporations. But, charter school governing bodies need to hold meetings in compliance with Tennessee open meetings laws which are intended by the legislature to “promote openness and accountability in government,” and to “protect the public against closed door meetings at every stage of a government body’s deliberations.” *Metropolitan Air Research Testing Auth., Inc. v. Metropolitan Gov’t*, 842 S.W.2d 611, 616 (Tenn. Ct. App. 1992).

Personnel/Human Capital

All teachers in a public charter school must have a current valid Tennessee teaching license, or meet the minimum requirements for licensure as defined by the state board of education. Statutes or rules relative to licensure may not be waived without jeopardizing the eligibility of charter school teachers to be licensed. Tennessee provides, however, a variety of alternative routes to licensure, which may be reviewed [here](#).

Charter school administrators may not need a license, if the school applies for a waiver of the applicable laws and rules.

Transportation

If a public charter school elects to provide transportation for its pupils, the transportation is to be provided by the school or by agreement with the LEA within the district in which the school is located pursuant to chapter 6, part 21 of Title 49 of Tennessee Code Annotated. “If a charter school elects to provide transportation other than through agreement with the LEA, the school shall receive all funds that would have been spent by the LEA to provide such transportation. If a public charter school elects not to provide transportation for its pupils, the school shall not receive the funds that would otherwise have been spent to do so.” T.C.A. § 49-13-114.

Food Service

Food service must be provided in accordance with the nutrition regulations outlined in the T.C.A. §§ 49-6-2301--2307. Applicants should check with the LEA within which they wish to locate to determine if the LEA will allow a charter school to utilize its food service or if it must apply to the state to provide its own food service.

Additional Operations

Tennessee law allows a charter school governing body to “contract for services,” but it specifically prohibits contracting “for the management or operation of the charter school by a for-profit entity.” T.C.A. § 49-13-124. So, a charter school may contract with a for-profit entity for limited services, but cannot give up the actual management or operation of the school to a for-profit entity.

Waivers

Public charter schools may apply to either the local board of education or the Commissioner of Education for waivers from certain state requirements or rules that inhibit the schools’ proposed mission. Because a public charter school is governed by its own governing body, most local board of education policies will be inapplicable. However, policies that relate uniformly to all students in an authorizing district (e.g. intra-district transfer or alternative school policies) and policies relative to reporting data to the state (e.g. student attendance and achievement on state assessments) will usually apply to public charter schools. Applicants should consult with the authorizer for more information.

Charter School Financing

As you develop your budget, review the Charter and ASD Funding Overview FY16 document [here](#).

Also consider that, pursuant to State law,

- LEAs must allocate 100 percent of state and local funds, and applicable federal funds to charter schools, on a per pupil basis. LEAs are required to pay based on projected enrollment for new schools and grades, and may then adjust during the year for actual enrollment and for differences in actual revenue received.
- Public charter schools must serve any eligible student, regardless of the cost of services (such as special education) that student may require.
- Authorizers may
 - o Charge an application fee of up to \$500.
 - o Withhold BEP funds to cover the insurance and retirement contributions for charter school employees.
 - o If the charter school is purchasing services from the LEA, require charter schools operated by operators new to the LEA to set aside one percent of BEP funds (up to \$20,000) in an escrow account for the first four years.